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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/761,670 | 01/18/2001 | Jeffrey Scott Eder | | 5377 |
| 29051 | 7590 | 10/11/2005 | EXAMINER | |
| JEFF EDER 19108 30TH DRIVE SE MILL CREEK, WA 98012 | | | CHENCINSKI, SIEGFRIED E | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3628 | |
| DATE MAILED: 10/11/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/761,670

Applicant(s)

EDER, JEFFREY SCOTT

Examiner

Siegfried E. Chencinski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/18/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 54-62 and 64-66 are rejected under 35 U.S.C. 102(b) as being anticipated by Sandretto (US Patent 5,812,988).

Re. claims 43, 54 & 67, Sandretto anticipates a firm analysis method, framework and medium, comprising aggregating firm related data from a plurality of systems in accordance with a common data dictionary using at least a portion of the data to generate network models which connect one or more current elements of value of said firm to one or more aspects of financial performance of said firm (Col. 8, ll. 52-59), said network models being further comprised of:

- one or more input nodes, hidden nodes and output nodes where each input node represents an element of value and each output node represents an aspect of financial performance (Sandretto, Col. 9, ll. 40-41. The input and output nodes are inherent or obvious), and
- a plurality of relationships where each relationship is a function of an impact of each element on other elements of value or an aspect of financial performance (Col. 8, l. 52 – Col. 9, l. 20);
- modifying said network models using one or more future scenarios, each scenario serving to modify the elements of value with consequent effects on the relationships and aspects of financial performance (Col. 8, ll. 66-67), and
- evaluating the scenarios in light of their impact on aspects of financial performance to determine which scenarios should be pursued (Col. 8, l. 64 – Col. 9, l. 20).

Re. Claims 44, 55 & 68, Sandretto anticipates one or more aspects of financial performance based on market value (Col. 9, ll. 11, 13, 30).

Re. Claims 45, 56 & 69, Sandretto anticipates network models which comprise: a summary of value drivers by element of value applied to each of said input nodes, where said summaries summarize the impact of each of said elements of value on one or more aspects of financial performance, the other elements of value and combinations thereof (Col. 9, 14-16).

Re. Claims 46, 57 & 70, Sandretto anticipates where one or more weights from a best fit model are used to identify a net impact of each element of value on a component of value selected from the group consisting of revenue, expense, capital change and combinations thereof (Col. 9, ll. 16-20, 56-57).

Re. Claims 47, 58 & 71, Sandretto anticipates comprising means for training best fit network models that identify a relative impact of each element on each of the components of value where one or more weights from the best fit models are used to identify a relative contribution of each element of value to each component of value net of any impact on the other elements of value (Col. 11, ll. 43-56).

Re. Claims 48, 59 & 72, Sandretto anticipates means for training one or more best fit network models that identify a relative impact of each element of value on market value where one or more weights from the best fit model are used to identify a relative contribution of each element of value to market value (Col. 9, ll. 11, 13, 30).

Re. Claims 49, 60 & 73, Sandretto anticipates where a plurality of relationships are quantified for a specified point in time within a sequential series of points in time (Col. 10, ll. 1-7).

Re. Claims 53, 61 & 74, Sandretto anticipates where a relative contribution to one or more components of value is combined with a present value of said components of value to determine a current operation value of each element of value (Col. 9, ll. 7-9).

Re. Claims 51, 62 & 75, Sandretto anticipates the element of value of employees (Col. 16, ll. 27-30).

Re. Claims 64 & 77, Sandretto anticipates a firm as a company (Col. 2, ll. 22-26).

Re. Claims 65 & 78 Sandretto anticipates different scenarios are optionally valued and

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displayed using an electronic display (Col. 15, l. 30).

Re. Claims 66 & 79, Sandretto anticipates where firm related data includes data captured from an accounting and human resource system, (Col. 10, ll. 1-7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 52, 63 and 76 are rejected under 35 U.S.C. 103(a) as being disclosed by Sandretto in view of Jost et al. (US Patent 5,361,201, hereafter Jost).

Re. Claim 52, 63 & 76, Sandretto does not explicitly disclose a method of claim 54 where network models further comprise neural network models. However, Jost discloses neural network models (abstract- l. 3; Col. 1, l. 7-10; Col. 2, ll. 30-35). It would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have combined the art of Sandretto with the art of Jost in order to provide a valuation method and system which makes use of neural network modeling, motivated by a desire to provide accurate estimates of financial value (Jost, Col. 2, ll. 17-20).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is (571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

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If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hyung S. Sough, can be reached on (571) 272-6799.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington D.C. 20231

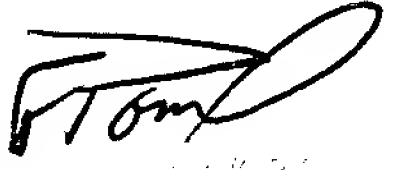
or (571)273-8300 [Official communications; including After Final communications labeled "Box AF"]

(571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above USPTO web site in Alexandria, VA.

SEC

September 30, 2005


Placed in the examination file
Au 3628